

REMARKS

Claims 1, 3, 5-19, 22-64, and 66 are pending in the present application.

The objection related to “formal matters” is obviated by amendment. Applicants have amended claim 1 based on the Examiner’s suggestion on page 2 of the Office Action mailed February 4, 2010, to specify that the “Basic Proline-rich Lacrimal Protein” is the “human Basic Proline-rich Lacrimal Protein”. Withdrawal of this ground of objection is requested.

The rejection of Claims 1, 3-9, 15, 16, 20, and 67 under 35 U.S.C. §112, second paragraph, is believed to be obviated by amendment.

Applicants make no statement with respect to the propriety of these grounds of rejection and in now way acquiesce to the same. Solely to expedite examination of this application, Applicants have amended Claim 1 to delete reference to furin, PACE4, and PC convertase and amended Claims 15 and 16 to specify that the structural modification of the mimetic is added/made to “a peptide according to Claim 1.” Thus, the Examiner’s criticisms are believed to be moot.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 5, 7-9, and 67 under 35 U.S.C. §112, first paragraph (enablement), is obviated by amendment.

Applicants disagree with the Examiner’s allegation that Claims 5, 7-9, and 67 lack enablement. The Basic Proline-rich Lacrimal Protein (BPLP) of SEQ ID NO: 2 comprises a [R/K]-X_n-[R/K] consensus sequence, where n is equal to 0, at positions 26 and 27 of SEQ ID NO: 2. Therefore, the peptides defined in Claims 5, 7-9, and 67 correspond to peptides that

are generated by cleavage of the BPLP precursor protein by a PC convertase, or to peptide derivatives thereof.

Applicants make no further statement with respect to the propriety of these grounds of rejection and in now way acquiesce to the same. Solely to expedite examination of this application, Applicants have amended Claim 1 in such a way as to not specify that the claimed peptide is obtained by cleavage of the BPLP precursor protein by furin, PACE4, or a PC convertase. Thus, this ground of rejection is now moot.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 3, 15, 16, and 20 under 35 U.S.C. §112, first paragraph (written description), is obviated in part by amendment and traversed in part.

With respect to Claim 1, Applicants make no statement with respect to the propriety of this ground of rejection and in now way acquiesce to the same. Solely to expedite examination of this application, Applicants have amended Claim 1 to include the limitations of Claim 4, which the Examiner acknowledges as meeting the written description requirement. Thus, this rejection over Claim 1, and Claim 3 dependent therefrom, is now moot.

Applicants also make no statement with respect to the propriety of this ground of rejection as it applies to Claims 15, 16, and 20 and in now way acquiesce to the same. Solely to expedite examination of this application, Applicants have canceled Claim 20 and amended Claims 15 and 16 to specify that the structural modification of the mimetic is added/made to “a peptide according to Claim 1.” Thus, Claims 15 and 16 are drawn to pharmaceutical compositions comprising the peptide according to Claim 1 or a mimetic thereof. Accordingly, the structural modifications that are made to the mimetic peptide are defined in the claims.

The peptide according to Claim 1 is defined by its sequence (i.e., it comprises the sequence of SEQ ID NO: 6 and is at most 15 amino acids long). The mimetic peptide is obtained through structural modification of such a peptide, where the structural modification is selected from a group of clearly defined chemical modifications. As such, Applicants submit that the claimed peptide and mimetic peptides are fully described in full, clear, concise, and exact details so as to comply with the written description requirement of 35 U.S.C. §112.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 3, 4, 6, 15, 16, and 20 under 35 U.S.C. §102(b) over Dickinson et al is obviated by amendment.

Dickinson et al only disclose the full-length and mature BPLP protein. At no point do Dickinson et al disclose or suggest a peptide consisting of at most 15 amino acids of BPLP and comprising an X1-X2-Arg-Phe-Ser-Arg sequence of (SEQ ID NO: 6).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (see MPEP §2131). Thus, Dickinson et al fail to anticipate the invention as claimed.

Withdrawal of this ground of rejection is requested.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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